

# FORUM ONG TIMOR LESTE THE EAST TIMOR NGO FORUM



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## Statement by NGOs to Development Partners Meeting

28<sup>th</sup> March 2008

The NGO community thanks the Ministry of Finance for this opportunity to participate, and we appreciate the support and interest from Timor-Leste's Development Partners. Please excuse our omission of individual remarks of respect.

We would like to highlight two key priorities:

- First, the people of Timor-Leste have suffered since 1999 as a result of displacement, fear, rumours and confusion. To help resolve this, our leaders need to be cautious and coordinated in public statements. **We appeal to our leaders and their advisers and the national and international media to give clear and consistent messages to reduce public confusion.**
- **Second, we appeal to all officials to respect our Constitution's clear assignments of roles and responsibilities to different sovereign organs.**

We would like to comment in more detail on four important sectors:

### Justice

We recognise that some progress has been made regarding justice during the past two years, including increased prosecution of gender-based violence and the Council of Ministers' recent approval of the Witness Protection Law. **We urge Parliament to pass this law as quickly as possible.**

**We call for an end to the on-going cycle of impunity.** Whilst we recognise that there has been some progress on cases from 2006, most cases remain unresolved. In the few trials which have been completed, not one convicted person is in a legally recognised prison facility.

We further recognise the progress on arson cases from 2007 but wish to highlight that there has been no prosecution of arson committed in 2006. **We urge donors to recognise the negative effects of the cycle of impunity and to push for accountability for past crimes, including those committed during the Indonesian occupation.**

In 2006, juveniles perpetrated many crimes, including serious crimes. There is no legal mechanism for dealing with these cases. **We recommend that Government creates and that donors support a formal juvenile justice system, as well as an informal justice system of restorative justice for juvenile cases.**

Many people observe that those who commit political crimes go free even though they were recommended for prosecution by independent commissions. Similarly, unclear dialogues preempt legal judicial processes contributing to the perception that talking about crimes has replaced holding perpetrators accountable.

Since 1999, Timor-Leste has experienced numerous national and international commissions, but very few of their recommendations have been implemented. Commissions cannot be a substitute for justice. **We call upon the parliament to urgently debate the CAVR report and call upon the international community to help implement CAVR's recommendations and the recommendations of previous commissions.**

## **Transparency**

Participation is critical to the development of democracy and, as members of civil society, we have a right and duty to be involved. We appreciate the commitment of the Government to a framework for transparency and accountability, but several challenges remain:

The consultation process during the development of legislation is poorly developed. For example, consultation is often very late, brief, and limited to one or two organisations. **We recommend the early establishment of a clear, consistent and broad-based process for consultation on pending legislation.**

The Constitution guarantees access to public information. In practice, however, access is very limited and public servants do not know which documents should be made available, often releasing them only to personal friends. The 2008 National Budget was not on the website until late February 2008, and then only in Portuguese and English. In addition, after legislation is approved, very few people are made aware of the implications.

**We recommend that Parliament and the Council of Ministers publish a regular newsletter, in accessible languages, that includes decisions and pending agenda items, and explains new laws.**

Civil society has been largely excluded from the current review of the National Development Plan and the preparation of the State of the Nation report. After nearly six years of self-government, this analysis must include perspectives from civil society and the grassroots. **We are prepared to provide support to the sectoral analysis and request greater involvement in these processes and in developing the five-year strategic plan.**

We welcome the Prime Minister's and President's commitments to strong mechanisms to prevent corruption. **We recommend that the Office of the Provedor be provided with sufficient resources, and that alleged corruption be prosecuted promptly.**

## **Development**

Our Constitution promises decentralisation of government operations and decision-making, and the process is now underway in eight districts. We are committed to supporting decentralisation for the benefit of the poor. **We recommend a single simple coordinated suco planning process where integrated priorities are identified and fed into ministerial action planning processes.**

**We further urge government departments to coordinate and plan together for district and suco development initiatives.**

Some important laws will be adopted this year in relation to Suco Councils and Local Development. **We request full public participation in the consultation and development of these laws, as we have direct experience of rural realities.**

We acknowledge considerable progress in strengthening the National Food Security Policy Committee and appointing food security officers and extension staff to work in the districts. **We recommend that at least half of the extension workers should be female, because of the unique role that women play in managing family resources.**

**When food production cannot meet Timor-Leste's needs, we recommend assistance to local farmers to increase the quality and quantity of their production, improving longer-term food security and reducing dependence on imports.**

In the **National Food Security Policy Committee's** work with the National Disaster Management Directorate, **we urge them to establish clear mechanisms to monitor district-level food security during 2008.**

Fifteen thousand people enter the labour market every year, and the numbers are rising. In this country where severe unemployment endangers health, education and public security, job creation must be a priority. Whilst our private sector is small and lacks capacity, it must be nurtured, with engagement by all development partners. As the private sector develops, **we urge the Government to create jobs through public works projects, but implemented by private sector partners. We believe that there should be targets for youth employment in this area.**

International agencies in Timor-Leste spend the large majority of their available funding on foreign consultants and contractors, and to import supplies. **We ask the Government to join our call on international partners to increase local spending, helping to stimulate job creation and build private sector capacity.**

## **Security**

Stable and permanent security cannot come from police, military or other armed forces alone. Until problems such as unemployment, poverty, alienation, trauma, inconsistent law enforcement, weak judicial system, unclear land rights, and people feeling excluded from the government are dealt with, no number of men with guns will make people feel secure.

Although we welcome improvements in security, we are concerned about extending the state of siege and creating a state of emergency. It is dangerous for curfews and limitations on freedom of assembly to become "normal," especially when there's no logical relationship between them and the hunt for the last few Reinado/Salsinha supporters.

Sometimes these mechanisms are implemented with heavy handed tactics and top-down instructions. Detailed guidance should be provided to everyone involved in enforcing the states of siege and emergency. We urge the government to demonstrate its commitment to human rights by dealing with abuses promptly and publicly, and not to prolong abridgements of civil liberties longer than absolutely necessary.

We welcome the Government's National Recovery Strategy to address the continuing displacement of people across the nation. While this initiative tries to find sustainable ways for displaced people to return to communities, **we urge the government to adopt a "whole of community" approach rather than an "IDP-centred" approach.** Poverty in this

country is endemic, and addressing IDP's needs should not exacerbate community prejudices and socio-economic disparities.

In order to hasten development and resolve IDP displacement, **we call upon the Government to give urgent attention to the issue of housing and land ownership for all Timorese citizens.**

For people to feel safe, communities must be actively involved in establishing and maintaining security and stability for themselves. We recommend that appropriate community policing and training be used. **To the UN, we recommend that the security sector reform review process consult the people of Timor-Leste regarding priorities for our police and military forces.**

Once again, we ask Australia and New Zealand to place their ISF soldiers under UN command. Further, we encourage all actors in the security sector to coordinate so that their programmes are compatible and consistent.

## **Conclusion**

In conclusion, we NGOs are proud to contribute to reducing poverty, increasing democracy and developing our nation. In this statement, we have outlined some factors we believe are essential achieving stable, equitable development in Timor-Leste.

Thank you for your attention and response.

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